



Idaho Conservation League

Brian Nickel
EPA Region 10, OWW-1330
1200 Sixth Ave. Suite 900
Seattle, WA. 98101

11/23/09

RE: Idaho Conservation League comments on draft NPDES permit for the City of Driggs' wastewater treatment plant (ID0020141)

Dear Mr. Nickel,

Thank you for the opportunity to comment on the draft NPDES permit for City of Driggs' wastewater treatment plant (ID0020141).

The Idaho Conservation League has a long history of involvement with water quality issues and NPDES permitting in Idaho. As Idaho's largest state-based conservation organization we represent over 9,800 members, many of whom have a deep personal interest in protecting Idaho's water quality and the health of all Idahoans from the harmful effects of effluent discharge.

Our members rely on clean water for drinking, industry, recreation and irrigation. Failure to ensure that the Driggs' wastewater facility is adequately regulated may result in ongoing and future discharges that jeopardize our members' interests.

Upon review of the Driggs draft permit and factsheet, it appears that the fact the receiving waters (both Woods Creek and the Teton River) are on the State's 303(d) list was not taken into consideration. Indeed, this waterway is listed as impaired for pollutants that are discharged from this facility. We ask that EPA review the draft permit to determine if the effluent limits that are proposed are appropriate in light of this omission.

Additionally we are concerned that neither the State of Idaho nor the EPA has substantively reviewed the draft permit's effluent limits to ensure that this discharge does not result in an unacceptable degradation of the water quality in the receiving water and waters downstream.

As you know, Idaho currently lacks an anti-degradation implementation plan. Such an implementation plan is required pursuant to the Clean Water Act and Idaho's failure to have a lawful anti-degradation plan is in violation of the Clean Water Act. Since Idaho does not have a lawful anti-degradation policy it is not possible for EPA to assure that the

draft permit conditions are sufficient to protect downstream waters from degradation.

Statements in the draft permits factsheet which state that the draft permit will comply with Idaho's anti-degradation policy are not supported by fact as neither the State nor EPA has conducted an anti-degradation analysis. In other words, irrespective of the fact that Idaho lacks a valid anti-degradation, no analysis was done anyway. As such, the issuance of this permit is arbitrary and capricious and cannot be issued until this matter is resolved.

Lastly, we do not support the four-year compliance schedule for Ammonia. Such a long compliance schedule will result in unacceptable continued impacts to aquatic health.

Thank you for your consideration of our comments on this important matter. Please do not hesitate to contact me at 208-345-6933 ext 24 or at jhayes@idahoconservation.org if you have any questions about comments.

Sincerely,

S/Justin Hayes

Justin Hayes
Program Director
cc. Jim Werntz, Boise EPA